IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6547 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

P K BARIA ASSTT ENGINEER

Versus

STATE OF GUJARAT

Appearance:

MR SV PARMAR for Petitioner

MR MA BUKHARI AGP for respondent No.1

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 04/08/2000

ORAL JUDGEMENT

1. By means of filing this petition under Article 226 of the Constitution the petitioner who was selected as an Assistant Engineer in July 1984 has voiced his grievance for non-consideration of his claim for promotion to the post of Deputy Executive Engineer since the persons junior to him impleaded as respondent Nos.2 to 6 in the petition have been considered and posted on the said post. The petitioner, therefore, prayed to issue appropriate writ, direction or order directing the respondent No.1 State to promote the petitioner on the post of Deputy Executive Engineer and to give to it the retrospective effect i.e., from August 1, 1990 and place him above his juniors and confer the petitioner all the

service benefits flowing therefrom.

2. Today when the matter was called out, none appeared on behalf of the petitioner whereas Mr. Bukhari, learned A.G.P. appeared and under instructions of Mr. Anil Bhatt, under Secretary to Government of Gujarat, Roads & Buildings Department, who is present in Court, made a statement that by virtue of the order dated May 21, 1992, the petitioner's case was considered in the provisional list prepared on June 30, 1989 but because of the adverse entry in the service record his case was under consideration and thereafter the adverse entry in his service record was expunged and, therefore, he was promoted vide order dated December 24, 1990 and posted on the promoted post of Deputy Executive Engineer at Rajkot by giving deemed date of promotion of August 9, 1990. He has produced a copy of the office order passed on May 21, 1992.

3. In view of the aforesaid statement and the order dated May 21, 1992, there is no reason to further prosecuting the matter since the petitioner's grievance has been redressed way back in the year 1990. In view of this, now this petition does not survive since it has become infructuous.

4. In the result, the petition stands disposed of since it has become infructuous. Rule is discharged. No order as to costs. Copy of the order dated May 21, 1992 produced by Mr. Bukhari be retained on record.

4.8.2000. (A. M. Kapadia, J.)